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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,655	07/03/2001	C. Eric Harman	41970-252798(01504-0111)	2374

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Kilpatrick Stockton LLP  
1100 Peachtree Rd  
Suite 2800  
Atlanta, GA 30309

EXAMINER

SWINEHART, EDWIN L

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 03/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 3617

### **DETAILED ACTION**

1. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.
2. Clarification is required re the language of claims 1 and 10, i.e., “converge rearwardly”. It would appear that in an operative position, that such walls actually converge forwardly.
3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, “said spherical housing” lacks antecedent basis in the claim(s).

4. Claims 1-10 are rejected under 35 U.S.C. 251 as being based upon new matter added to the patent for which reissue is sought. The added material which is not supported by the prior patent is as follows:

The first and second walls in opposed, spaced apart relation, and the hemispherical housing

The application as originally filed provided a part spherical housing, which provides but a single wall. Furthermore, while the original disclosure set forth “spherical” denoting the housing having a portion of sphere shape, there is no basis as ordinally filed for “hemispherical”, which denotes exactly one half of a sphere.

5. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the

Art Unit: 3617

art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The invention as now claimed finds no support in the disclosure as originally filed.

See paragraph 2 above.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 2-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Cope.

Cope teaches the claimed invention, including inner and outer annulus **32** and **34**, housing **20** which is attached to a towing vehicle, and has upper and lower spaced walls as claimed, means **18** is attached to the outer ring/annulus for attachment to a towed trailer. A locking pin **30** is operative as claimed.

Re claim 5, in figure 3, the inner surface of the housing at the forward end can be seen as exhibiting curved portions.

Re claim 6, "said spherical housing" has not been accorded any weight in the claim. as it is believed it was Applicant's intention that this limitation not be present within this claim. Re "same general curvature", such fails to define any specific structure and/or arrangement so as to define over the apparent rounded edges of the coupler of Cope.

Art Unit: 3617

Re claim 9, re "engagement means", such fails to define any specific structure and/or arrangement so as to define over the second aperture of the housing.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cope as applied to claim 3 above, and further in view of Williams, Jr.

Cope fails to disclose guide walls as claimed.

Williams, Jr. teaches guide walls 120.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide guide walls to Cope to facilitate connection as taught by Williams, Jr.

9. Papers relating to this application may be submitted to Technology Center 3600 by facsimile transmission. The submission of such papers by facsimile transmission must comply with the notice published in the Official Gazette, **1096 OG 30** (November 15, 1989). The Fax Center number is (703)-305-7687.

10. Any inquiry concerning this communication should be directed to Ed L. Swinehart whose telephone number is (703)-308-2566.

11. Any inquiry of a general nature or relating to the status of the application should be directed to the Technology Center 3600 receptionist whose telephone number is (703)-308-1113.

March 16, 2002



**Ed L. Swinehart**  
**Primary Examiner**  
**Art Unit 3617**